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July 8, 2022

**Via ECF**

Hon. Laura T. Swain, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Lopez v. Thermo Tech Mechanical, Inc., et al.*  
Case No.: 20-cv-9113 (LTS) (BCM)

Dear Judge Swain:

This office represents Plaintiff, Juan Lopez (“Plaintiff”), in the above-referenced matter. We write jointly with counsel for Defendants Thermo Tech Mechanical Inc., Gowkarraan Budhu and Shanti Budhu (collectively, the “Defendants”), pursuant to Your Honor’s Order dated June 14, 2022 (Dkt. No 50). The parties met and conferred on July 5, 2022, and jointly submit the following status report.

1. Plaintiff:

The arbitration proceeding has not been resumed. The American Arbitration Association (“AAA”) suspended the arbitration proceeding on May 17, 2022, as a result of Defendants’ non-payment of required fees. Defendants were provided thirty (30) days from the date of the notice of suspension to comply with their fee obligation, or AAA would terminate the case. As thirty (30) days have now passed and Defendants have not submitted payment, AAA terminated the matter.

Defendants:

As of the date of this submission, the American Arbitration Association (the “AAA”) has not ruled on Defendants’ application for a reduced deposit fee and for a less expensive arbitrator. Thus, the arbitration proceeding has not been resumed.

2. Plaintiff:

Plaintiff does not consent to submit Plaintiff’s claims to mediation through the Court’s mediation program.

Defendants:

Counsel for Defendants respectfully requests a referral to the Court’s mediation program, or in the alternative, to the Honorable Magistrate Judge Moses for purposes of administering a Settlement Conference.

3. Plaintiff proposes the following briefing schedule regarding contemplated sanctions motion practice<sup>1</sup>:

- a. Plaintiff's Motion for sanctions due by July 15, 2022
- b. Defendants' Opposition, if any, due by July 29, 2022
- c. Plaintiff's Reply, due by August 5, 2022

Additionally, Plaintiff respectfully requests to reinstate his Motion for Conditional Collective Certification, dated May 19, 2021 (Dkt. Nos. 25-27).

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ C.K. Lee  
C.K. Lee, Esq.

cc: all parties via ECF

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<sup>1</sup> Defendants wish to exhaust the possibility of alternative dispute resolution before engaging in costly, and unnecessary, motion practice.